

# State College, PA Chesapeake Bay TMDL Public Meeting Summary

November 19, 2009

Toftrees Golf Resort & Conference Center  
1 Country Club Lane  
State College, PA 16803

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## **Agenda**

- **Welcome, introductions, and meeting logistics – Ann Simonetti, Councilmember Marysville Borough (5 minutes)**
- **EPA presentation on the Chesapeake Bay TMDL and EPA expectations – Richard Batiuk and Bob Koroncai, EPA (45 minutes)**
- **Next Steps – Deputy Secretary John Hines, Pennsylvania Department of Environmental Protection (10 minutes)**
- **Public comments, questions and answers – Ann Simonetti (60 minutes)**
- **Adjourn**

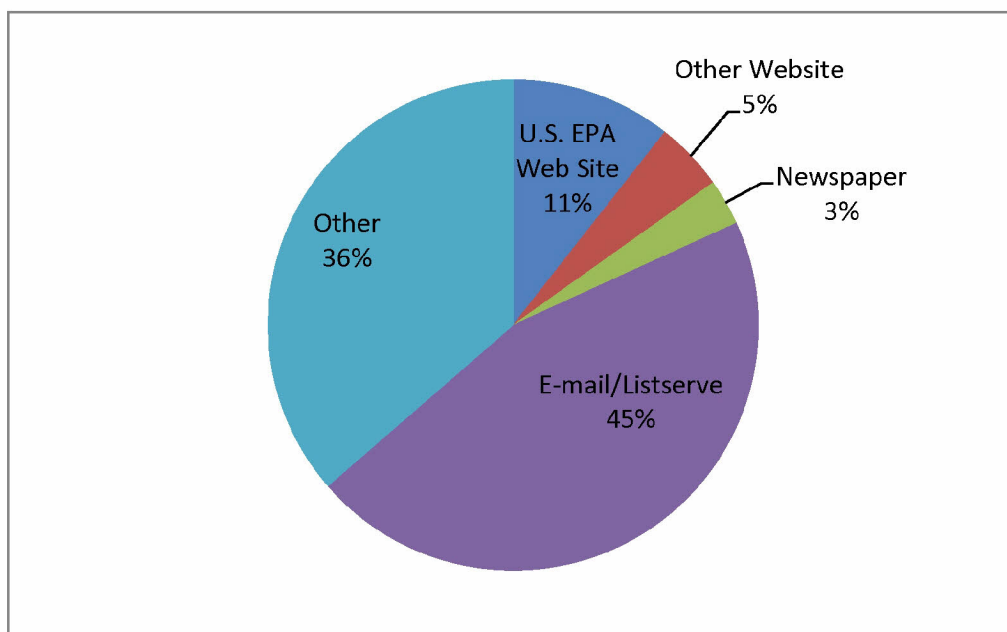
## Attendee Details

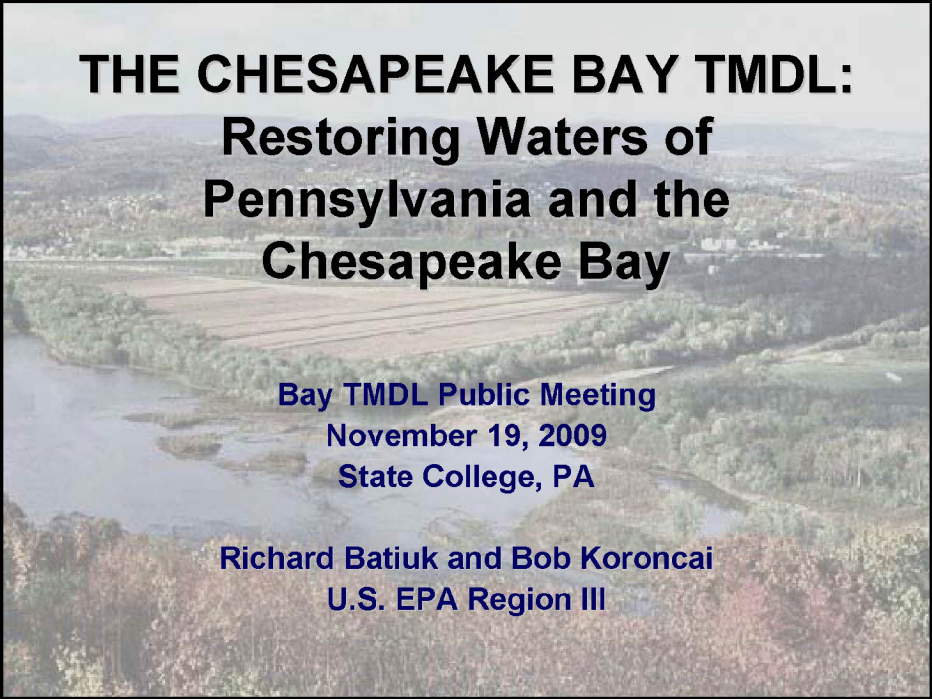
Total Live Attendees: 95

Registration Question:

How did you hear about this meeting?

- U.S. EPA Web Site (7)
- Other Web Site \_\_\_\_\_ (3)
  - Pennsylvania Conserve
- Newspaper (2)
- E-Mail/Listserve (30)
- Other (24)
  - Penn State Extension
  - Call to Office
  - PSU Advisor Email
  - Office
  - WPSU Radio (2)
  - DEP (2)
  - SCC
  - Penna Ag
  - PMAA (4)





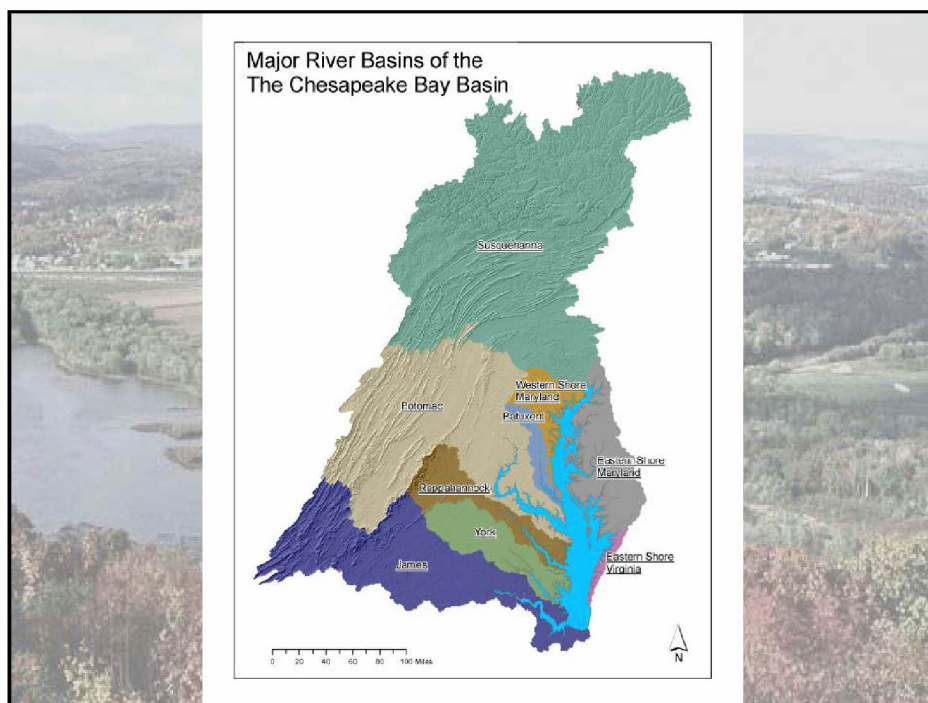
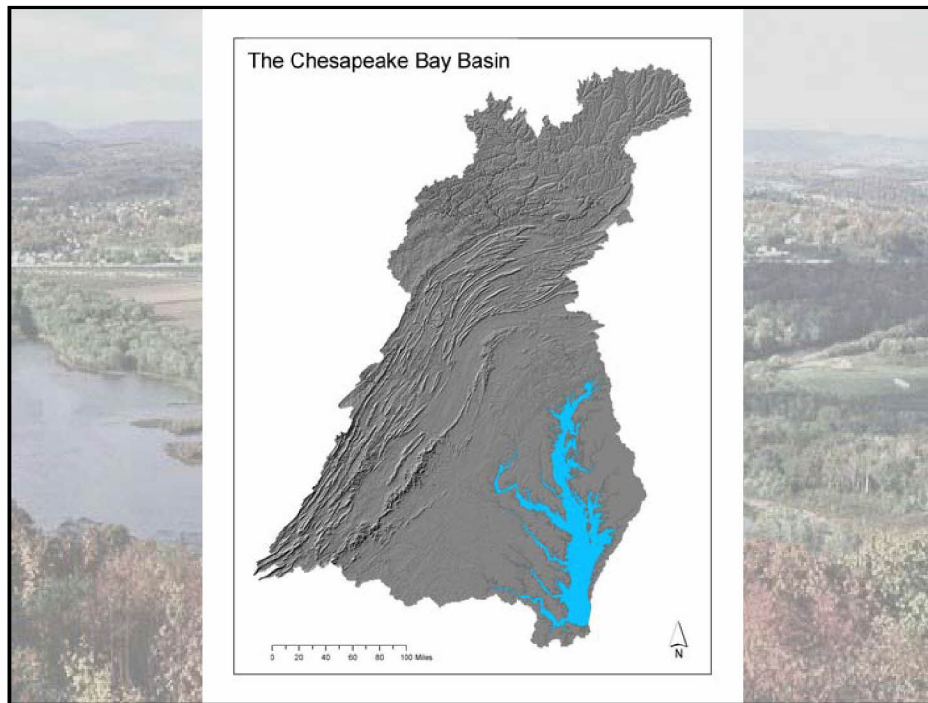
# **THE CHESAPEAKE BAY TMDL: Restoring Waters of Pennsylvania and the Chesapeake Bay**

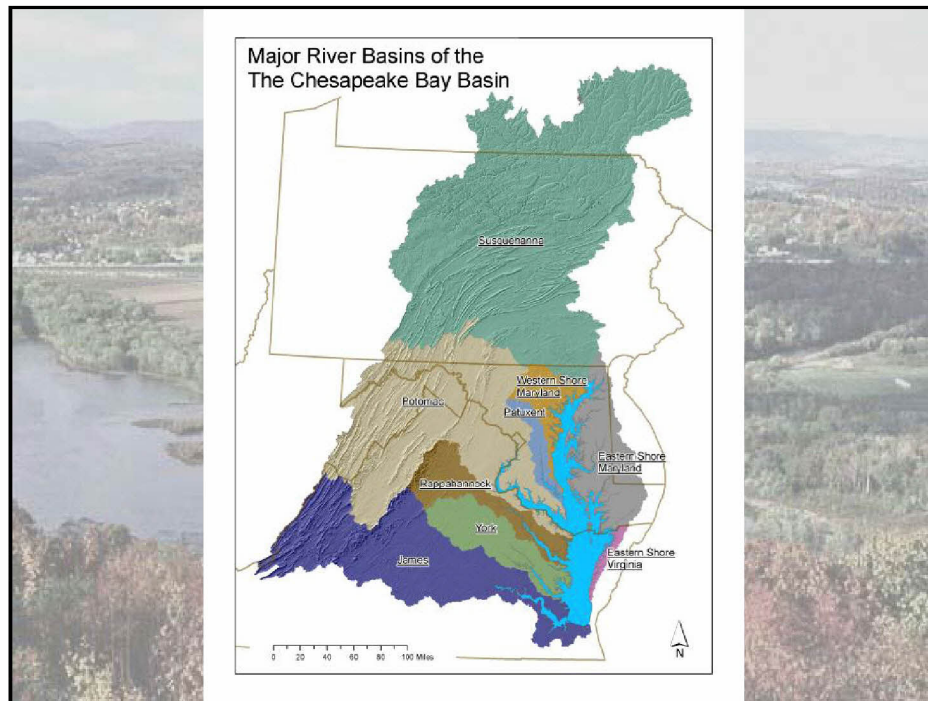
**Bay TMDL Public Meeting  
November 19, 2009  
State College, PA**

**Richard Batiuk and Bob Koroncai  
U.S. EPA Region III**

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## Pennsylvania's Susquehanna River and Chesapeake Bay Basin

- PA encompasses 35.2% of the Bay watershed -- that's 14,358,159 acres
- Four PA watersheds
  - Susquehanna River (13,298,520 acres, 32.6%)
  - Potomac River (1,012,222 acres, 2.5%)
  - Eastern Shore (40,262 acres, 0.1%)
  - Western Shore (7,155 acres, 0.02%)
- Impaired PA waters due to major sources including:
  - Agriculture
  - Mine drainage
  - Urban runoff/stormwater



## Local Water Issues

"We absolutely have to work together cooperatively to reduce nitrogen, phosphorous and sediment entering the bay."

**State Senator Mike Brubaker**

*Intelligencer Journal  
Lancaster New Era  
10/21/09*



# Local Water Issues

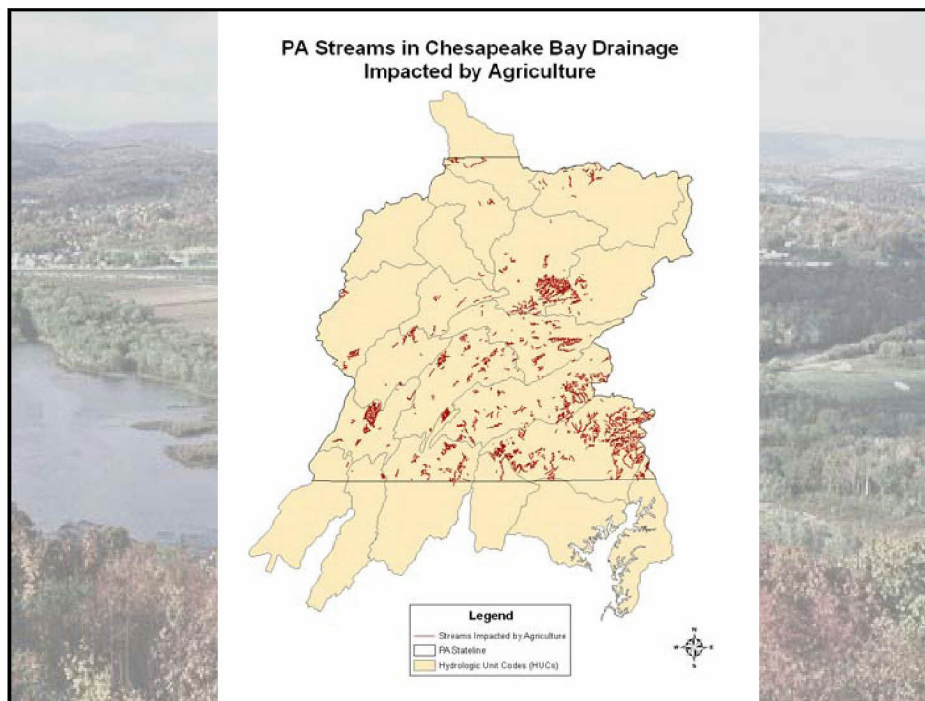


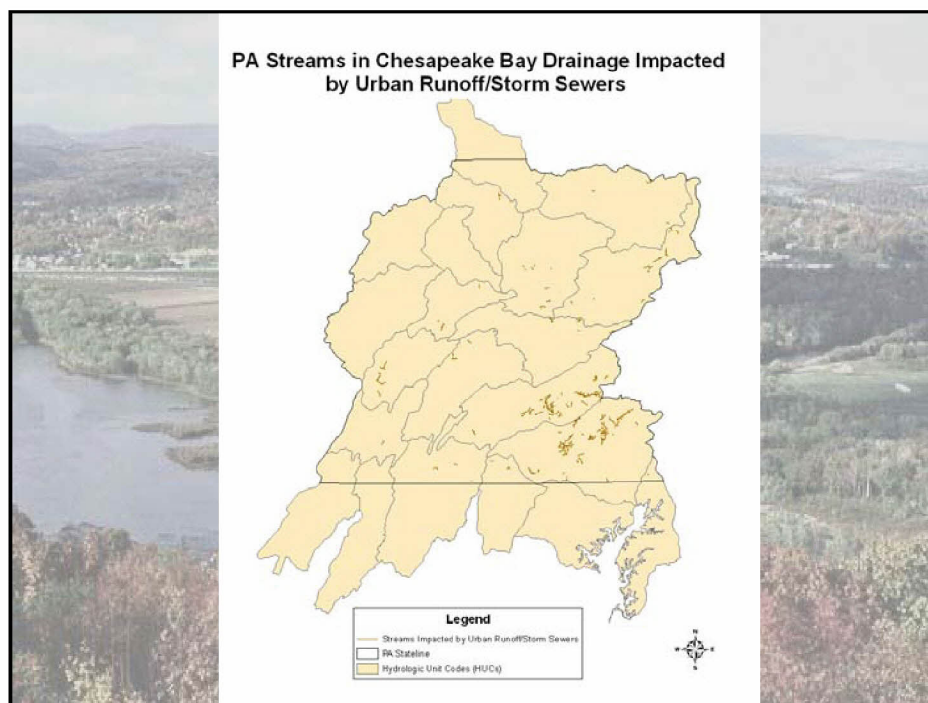
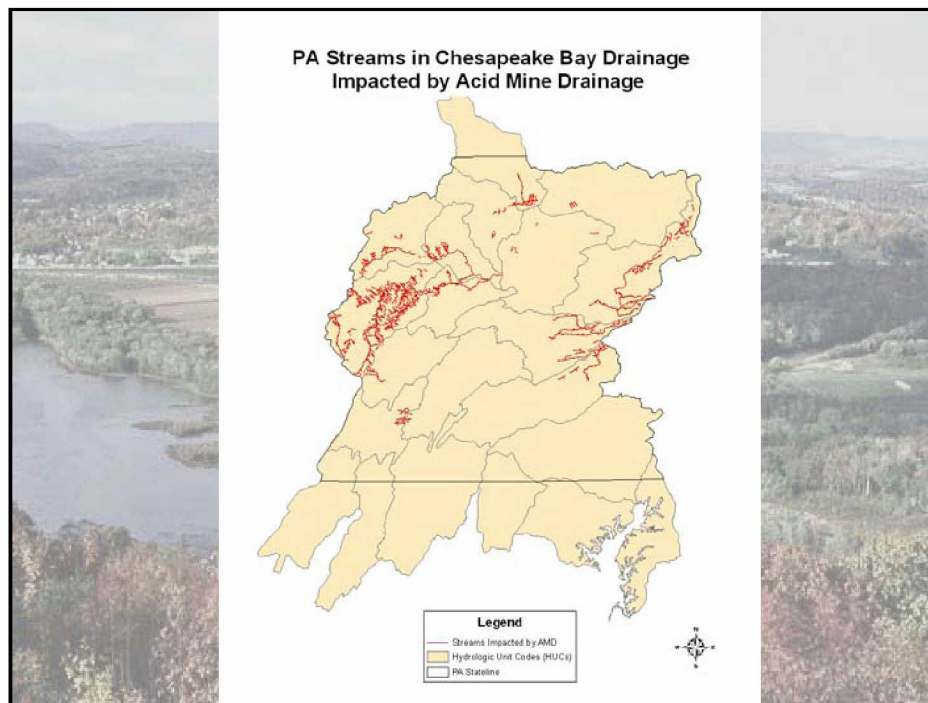
"I think Pennsylvanians love their water and farmers love their water. We take pride in facing up to some shortcomings and pride in the cleanups that have already occurred."

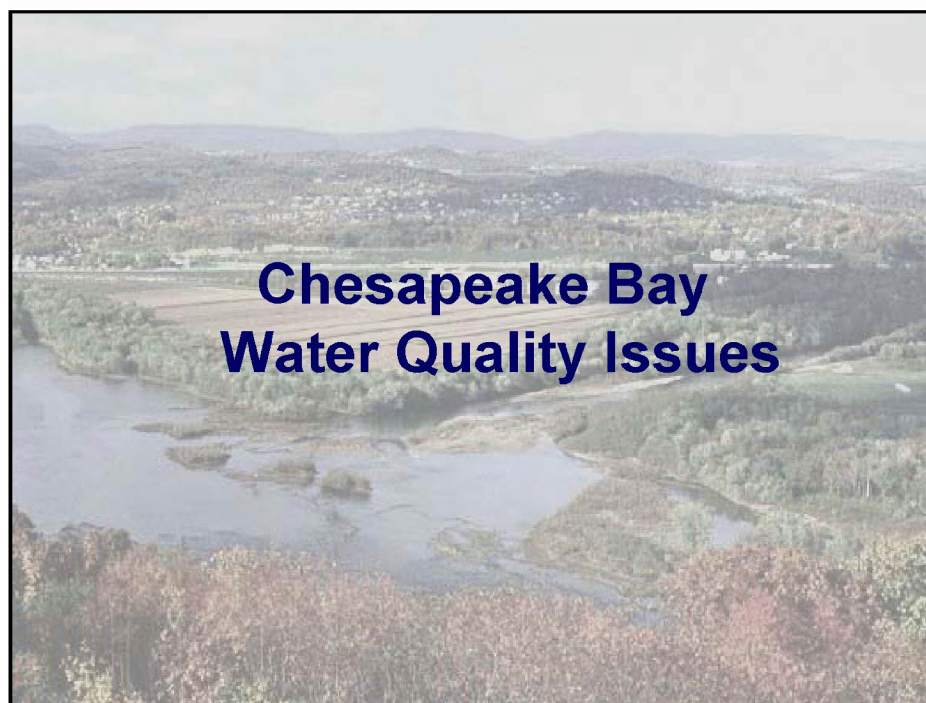
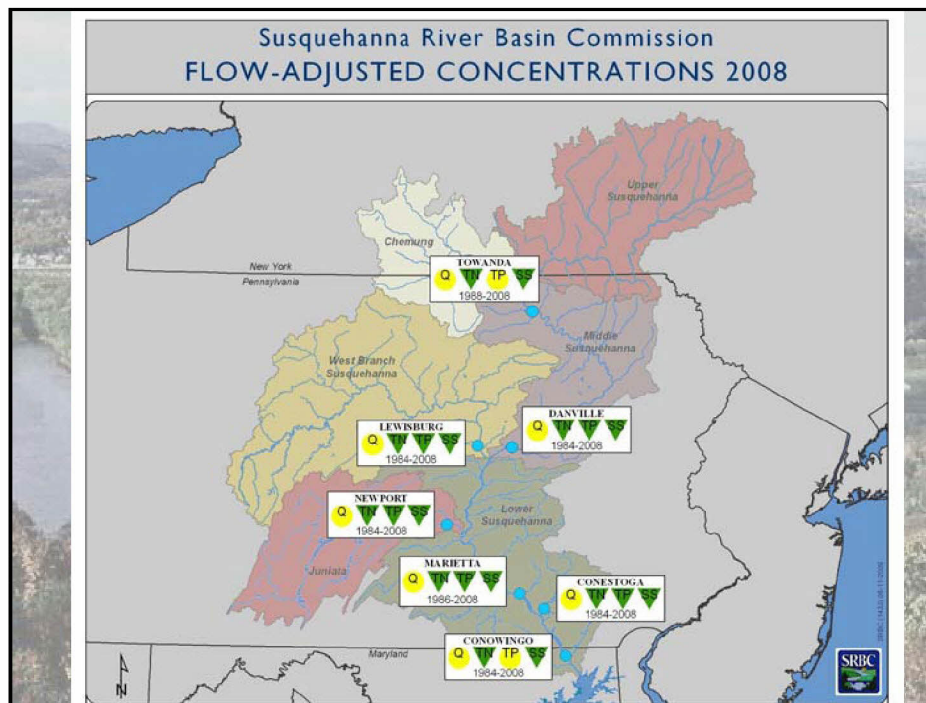
*DEP Secretary John Hanger*

*Intelligencer Journal Lancaster New Era*

11/10/09







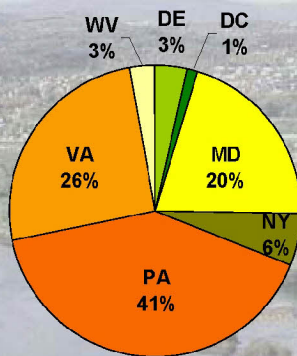
## Chesapeake Bay Watershed- By the Numbers

- Largest U.S. estuary
- Six-states and DC, 64,000 square mile watershed
- 10,000 miles of shoreline (longer than entire U.S. west coast)
- Over 3,600 species of plants, fish and other animals
- Average depth: 21 feet
- \$750 million contribution annually to local economies
- Home to 17 million people (and counting)
- 77,000 principally family farms
- Declared "national treasure" by President Obama

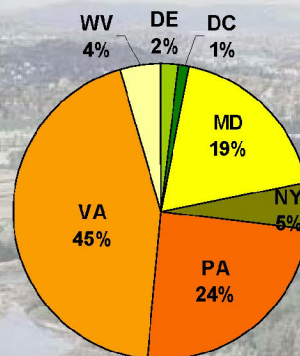


Source: [www.chesapeakebay.net](http://www.chesapeakebay.net)

## Nutrient Loads by State



**Nitrogen\***

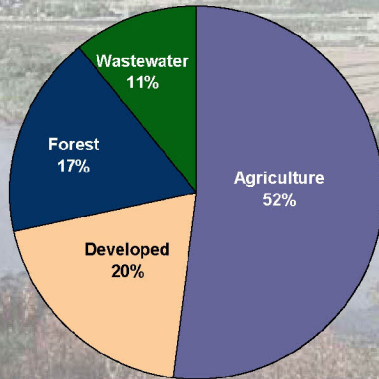


**Phosphorus**

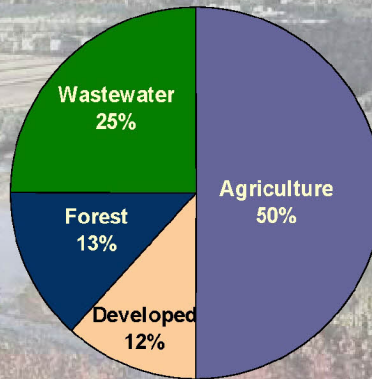
\*EPA estimates a nitrogen load of 284 million lbs nitrogen in 2008. EPA assumes a reduction of 7 million lbs due to the Clean Air Act. This leaves 77 millions lbs to be addressed through the TMDL process.

# Nutrient Sources of Pennsylvania

Sources of Nitrogen from PA

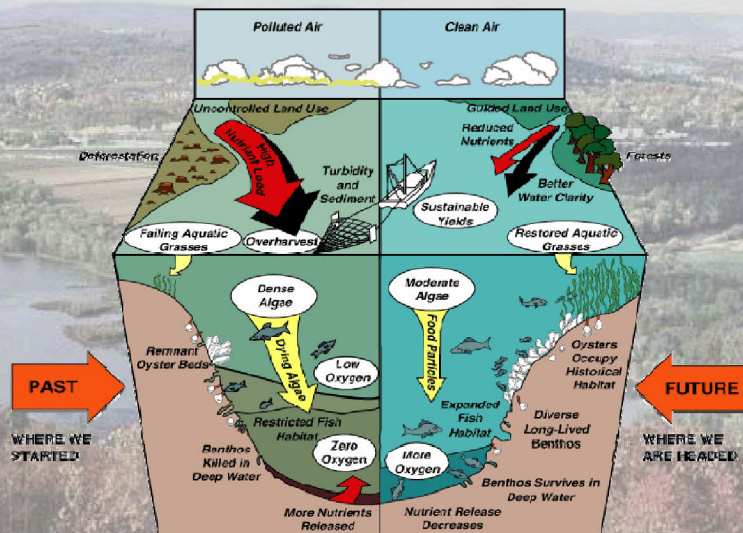


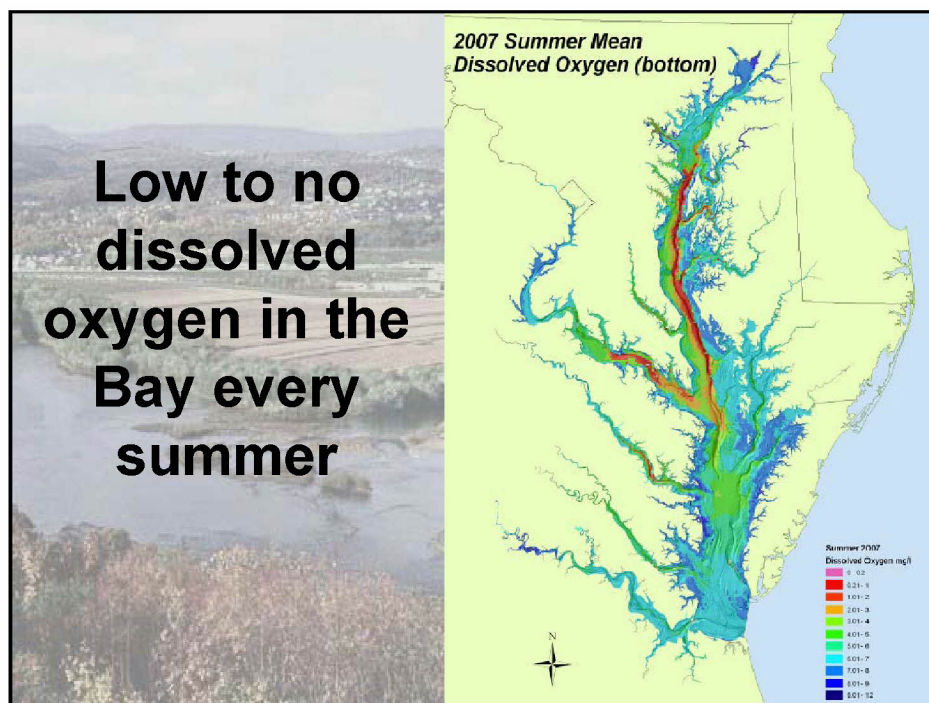
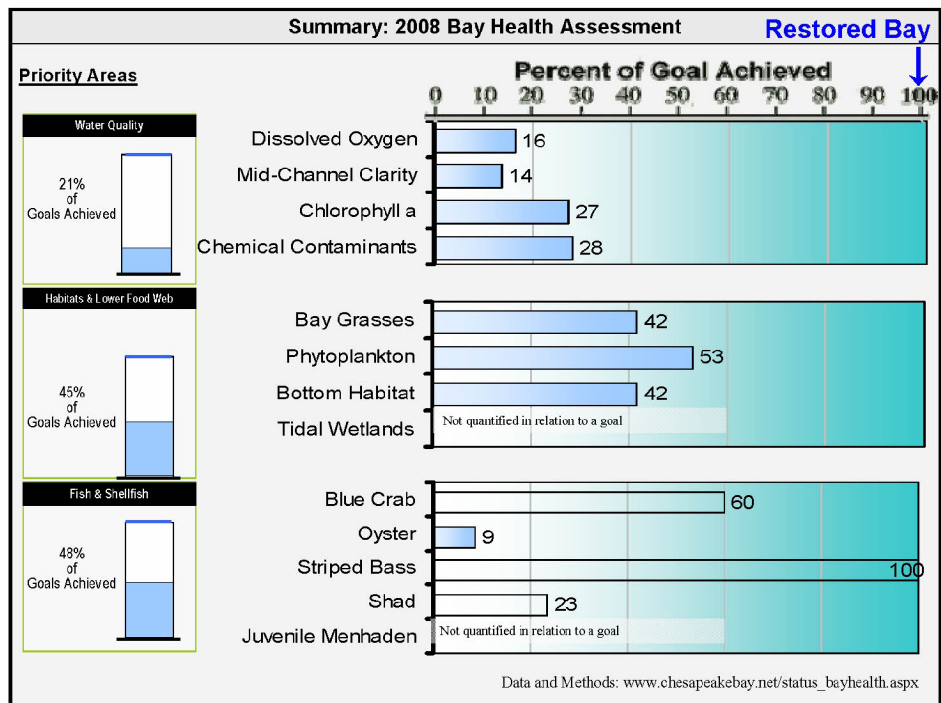
Sources of Phosphorus from PA



N and P values from 2008 Scenario of Phase 5.2 Watershed Model

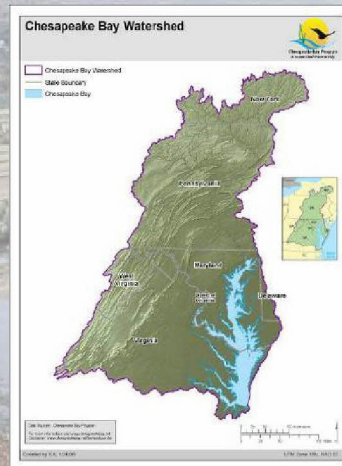
## Chesapeake Bay Health- Past and Future



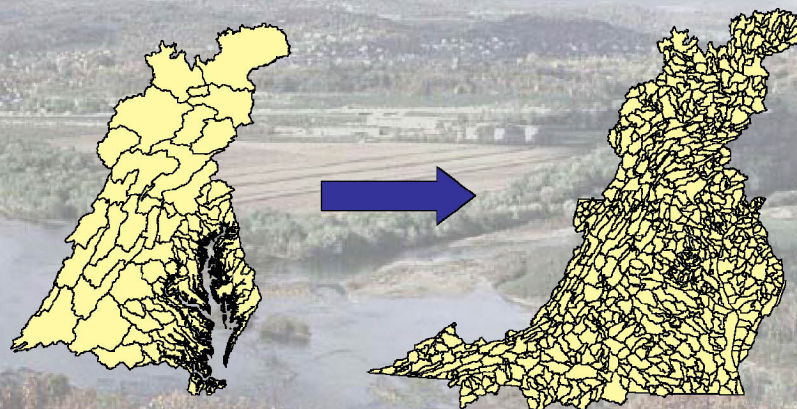


# The Chesapeake Bay TMDL

- EPA sets pollution diet to meet states' Bay clean water standards
- Caps on nitrogen, phosphorus and sediment loads for all 6 Bay watershed states and DC
- States set load caps for point and non-point sources



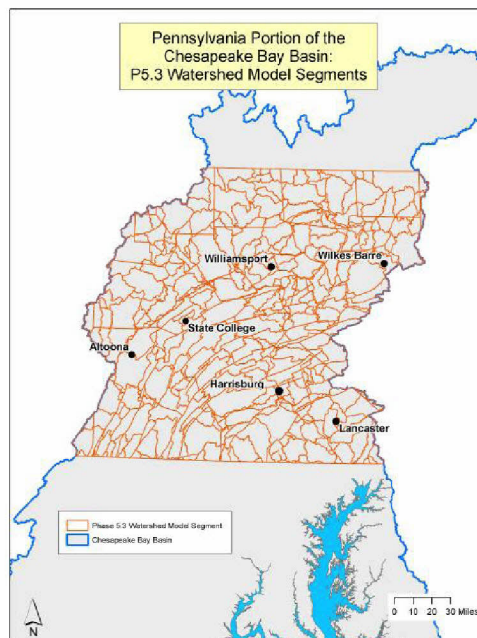
## The Bay science supports local pollution diets...



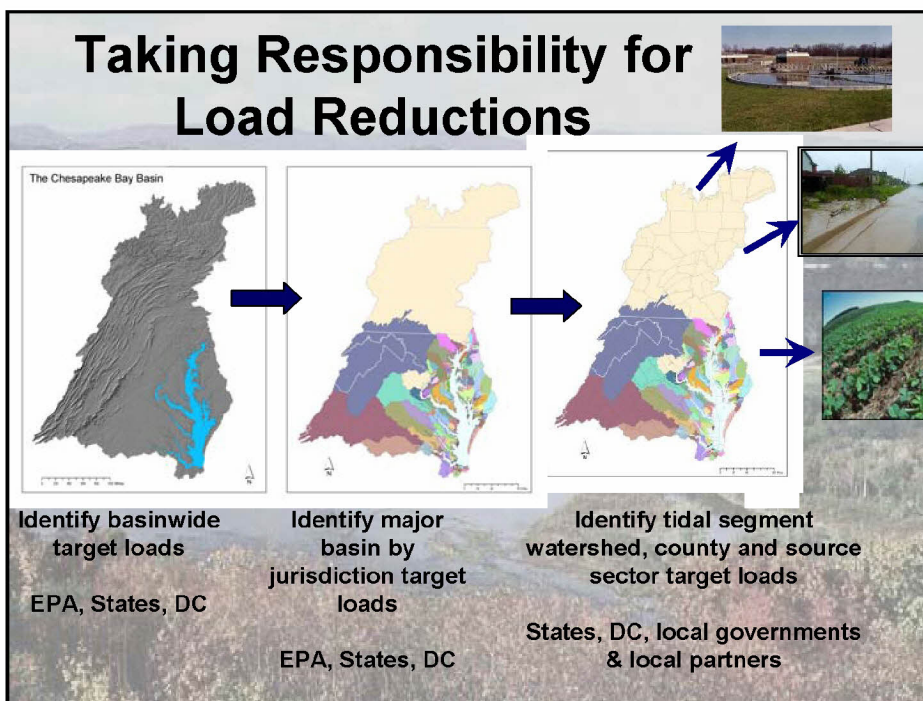
**Phase 4 Bay Watershed Model**  
(2000-2008)

**Phase 5 Bay Watershed Model**  
(2009- )

...with  
detailed  
representation  
of PA's local  
watersheds



## Taking Responsibility for Load Reductions



## What are the Target Pollutant Cap Loads for the Bay Watershed?

Current model estimates are that the states' Bay water quality standards can be met at basinwide loading levels of:

- 200 million pounds nitrogen per year
- 15 million pounds phosphorus per year

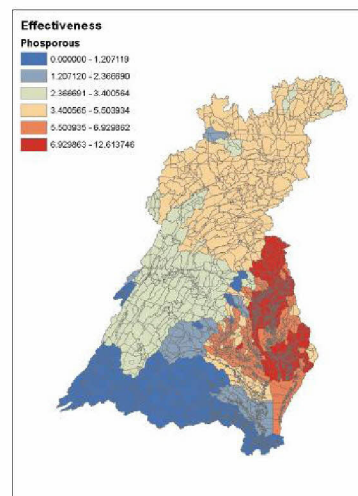
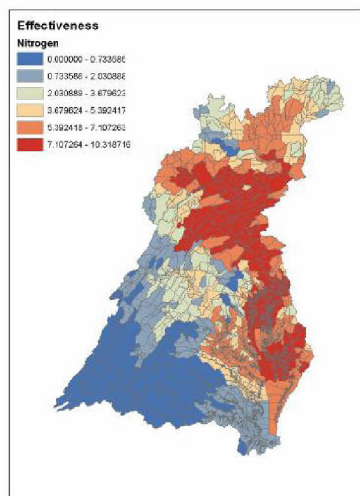
(Sediment target cap load under development-will be available by spring 2010)

## Dividing the Basinwide Target Loading

## Guidelines for Distributing the Basinwide Target Loads

- Water quality and living resource goals should be achieved.
- Waters that contribute the most to the problem should achieve the most reductions.
- All previous reductions in nutrient loads are credited toward achieving final cap loads.

## Nutrient Impacts on Bay WQ

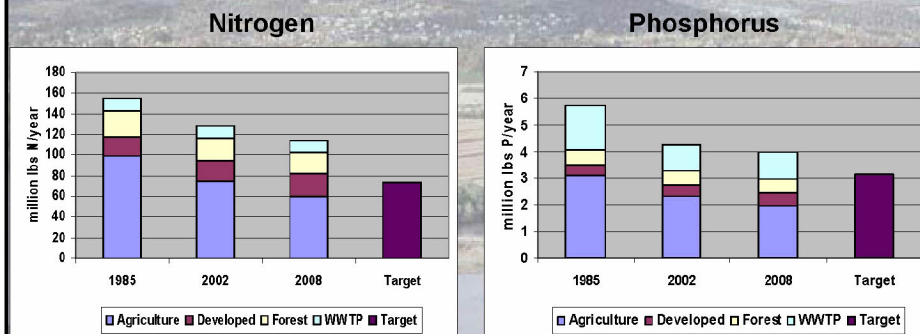


## Current State Target Loads

Nitrogen			Phosphorus		
State	Tributary Strategy	Target Load	State	Tributary Strategy	Target Load
DC	2.12	2.37	DC	0.10	0.13
DE	6.43	5.25	DE	0.25	0.28
MD	42.14	41.04	MD	2.56	3.04
NY	8.68	10.54	NY	0.56	0.56
PA	73.17	73.64	PA	3.10	3.16
VA	59.30	59.22	VA	7.92	7.05
WV	5.69	5.71	WV	0.45	0.62
<b>Total</b>	<b>197.53</b>	<b>197.76</b>	<b>Total</b>	<b>14.93</b>	<b>14.84</b>

All loads are in millions of pounds per year.

## PA's Past, Present and Future Estimated Loads

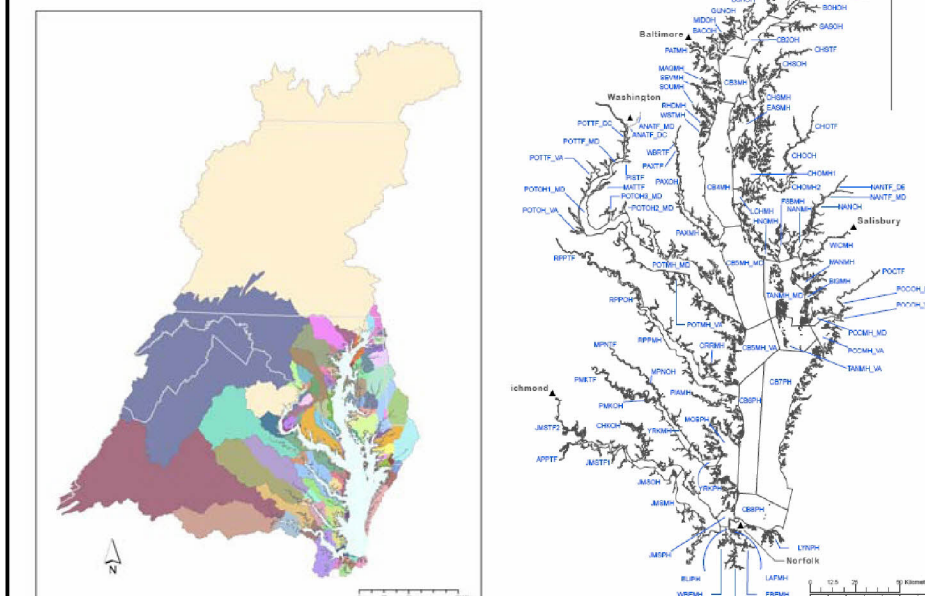


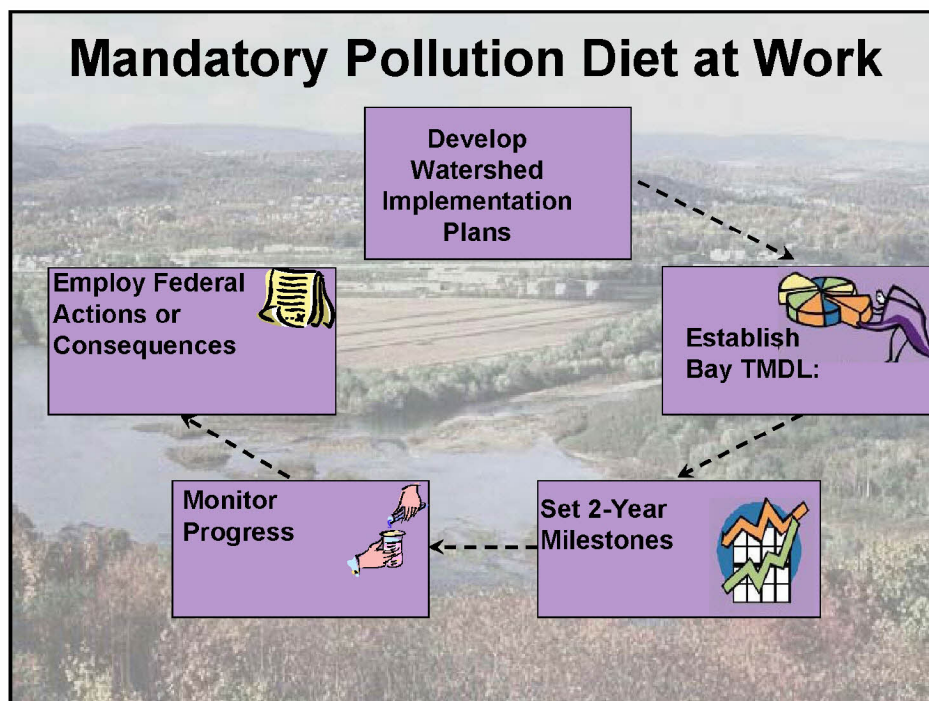
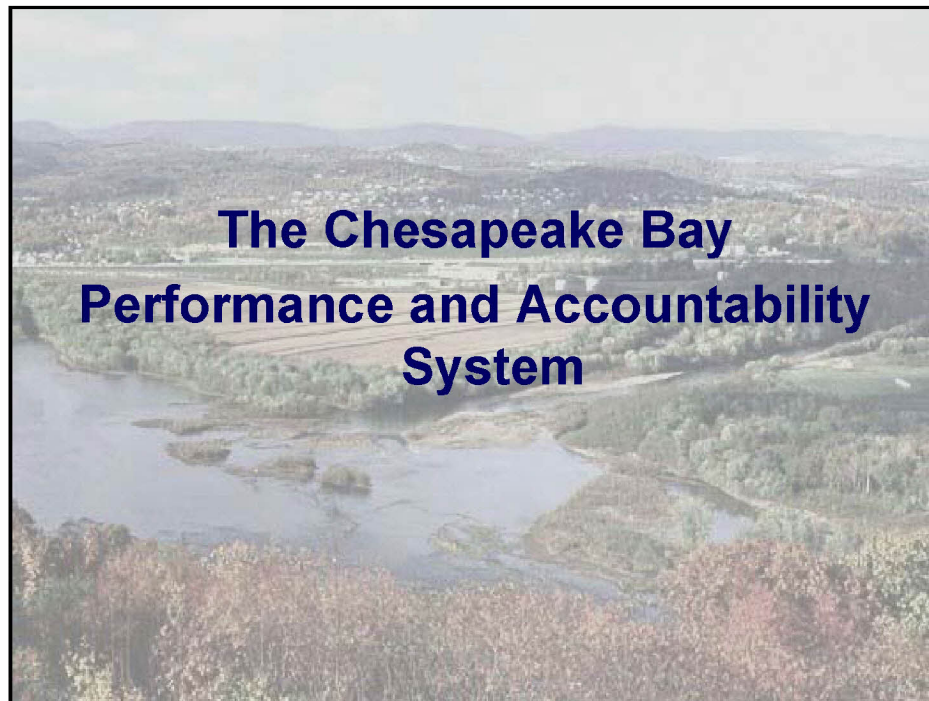
All scenarios run through Phase 5.2 Watershed Model

## Target Load Refinements

- If States' Bay Water Quality Standards can still be achieved...
  - The State may exchange nitrogen and phosphorus target loads within a basin; and/or
  - The State may exchange nitrogen and phosphorus loads from one basin to another within the State.

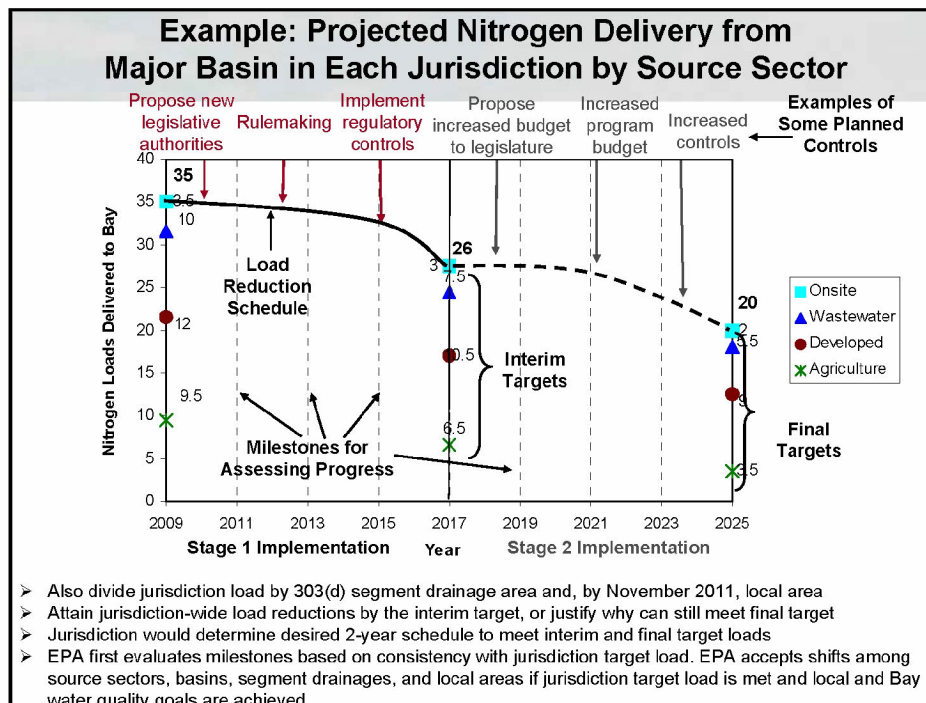
## Pollution Diet for Each Tidal Water Segment





## Watershed Implementation Plan Expectations

- Identify allowable loads by major river basin, tidal segment watershed, county and pollutant source sector
- Identify Program gaps and strategy
- Commit to develop and implement 2-year milestones at the county scale
- Develop contingencies

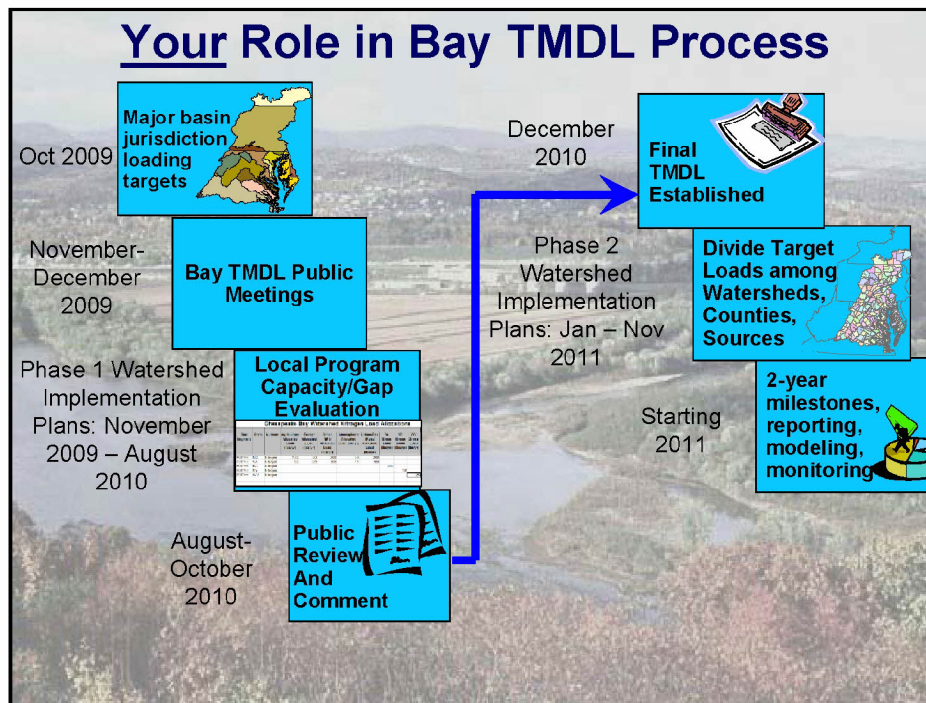


## **Federal Consequences**

- Directed at states not achieving expectations
- Will be outlined in an EPA letter this fall. May include:
  - Assigning more stringent pollution reductions to regulated point sources (e.g., wastewater, stormwater, CAFOs)
  - Objecting to state-issued NPDES permits
  - Limiting or prohibiting new or expanded discharges (e.g., wastewater, stormwater) of nutrients and sediment
  - Withholding, conditioning or reallocating federal grant funds

## **Bay TMDL- Presidential Executive Order Connections**

- Create Federal Leadership Committee
- Create the Performance and Accountability Framework
- Expand regulatory tools for CAFO's and urban and suburban runoff
- Improve nutrient and sediment controls on federal lands and roads
- Target farm conservation measures at high priority areas



## Bay TMDL: Bottom-line

- Actions will clean and protect local waters in DC thereby supporting the local economy
- Restore a thriving Chesapeake Bay
- Federal, state, local officials and agencies will be fully accountable to the public
- Consequences for inaction, lack of progress

## Further Information

- Chesapeake Bay TMDL web site  
[www.epa.gov/chesapeakebaytmdl](http://www.epa.gov/chesapeakebaytmdl)
- U.S. EPA Region 3 Contacts
  - Water Protection Division
    - Bob Koroncai  
– 215-814-5730; [koroncai.robert@epa.gov](mailto:koroncai.robert@epa.gov)
    - Jennifer Sincock ([sincock.jennifer@epa.gov](mailto:sincock.jennifer@epa.gov))
  - Chesapeake Bay Program Office
    - Rich Batiuk  
– 410-267-5731; [batiuk.richard@epa.gov](mailto:batiuk.richard@epa.gov)
    - Katherine Antos ([antos.katherine@epa.gov](mailto:antos.katherine@epa.gov))



## Questions & Comments



**Thank you for your participation.**



**That concludes today's meeting.**

## Questions Answered

### Questions/Comments Answered (in the order in which they were asked):

1. Developed area nitrogen and phosphorus have not decreased over the last 20 years but stayed fairly constant. You need to put more emphasis on nitrogen and phosphorus from urban sprawl.
2. With all that's been said and done, in the past 20 years, why has so little been accomplished?
3. Regarding CAFOs, would a 2,000 animal unit facility with a working nutrient management plan by its nature be less of a nutrient and sediment loading problem than 40- to 50- unit facilities that are not subject to CAFO regulations?
4. I did not see anything in the "Bay TMDL Presidential Executive Order" slide that showed federal regulatory change for agriculture and forests. Apparently, the president needs help reading the pie chart that clearly indicates agriculture and forests are the big contributors. Will there be any hope for some regulatory change at the federal level?
5. Why is a TMDL needed if we have an annual cap load doing the same thing on a yearly basis?
6. Conowingo Dam – potentially "Katrinawingo" - has been called the best Chesapeake Bay Best Management Practice. What is the EPA's and the states' goal for dredging and placement of sediments from behind the dam?
7. The Bay TMDL will be imposed basin-wide (or by major river basins). What happens to the TMDL's for the smaller impaired (303(d) listed) watersheds within the Bay watershed?
8. Will there be funding available (grants) to implement measures to decrease nitrogen and phosphorus loadings? Are Section 106 funds available to Pennsylvania for developing the loading reduction profiles?
9. Who is the contact at Pennvest for nutrient trading?
10. With air deposition also an impact to the Bay, will utilities be held accountable for air and water emissions as well as coal ash placement sites?
11. What are the chances that the regulation (Clean Streams Law and/or Clean Water Act) will be changed to disallow animal access to streams?
12. How will water quality reductions be monitored, understanding that there will be unexpected lags due to a.) weather, b.) slow flows of groundwaters, c.) chemical buffers? Even the best management packages can be overwhelmed by yesterday's pollution.
13. Please comment on the effectiveness of stream buffers as BMPs.
14. By how much could nitrogen and phosphorus loadings be reduced with widespread establishment of forested buffers?
15. What are your future federal CAFO changes?
16. What authority do you have to regulate non point sources?
17. How does DEP and the governor plan to accomplish 2-year milestones in the face of 25% budget reductions?
18. Who is expected to prepare the watershed implementation plans and who will pay for them?

19. How can this program improve the local economy? Clearly, this TMDL puts the Susquehanna watershed of Pennsylvania at an obvious economic disadvantage due to very high costs being put on the local municipalities.
20. What would the nitrogen load be if there were no people in the Chesapeake Bay watershed?
21. There have been several questions regarding natural gas drilling in the Marcellus Shale in this region. Pollutants of concern include chloride and total dissolved solids. How does the Bay TMDL fit into this issue? Will EPA take a role in developing standards needed to effectively treat “frack” water?

## Questions Submitted

### Questions submitted but not answered:

1. As you look at strategies to meet the goals, I am concerned about “unfunded mandates” that will settle at the local county and municipal levels with the “threats” of “consequences” if not met. How are we going to fund this effort at all levels? Bill Keough
2. In regard to coal ash placement in the watershed, will there be a “Bay Standard” that prevents toxic outfalls into the waterways as happened on the Wicomico in Maryland?
3. Don’t most farmers disturb more than one acre? Therefore EPA has to mandate.
4. What is the likelihood of nutrient limits in other watersheds in the state? What’s the timeline?
5. Based on NPDES permit changes, will there be possibilities for tax deductions for environmental consulting for those who have been rejected a permit?
6. How do you figure forest contributions 13% of phosphorus and 17% of nitrogen?
7. Describe how you are going to divide target loads.
8. Target nitrogen (200mm) doesn’t agree with 2008 input (284mm) and desired reductions (77mm).
9. How different is the Chesapeake Bay issue from the Mississippi Delta and Gulf of Mexico issue?
10. Does the federal EPA plan changes in fines or actions to sewage treatment plants, or is this up to the state to manage?
11. What about the impact of septic tanks and on-lot systems?
12. What attention is being given to the problem caused by “fracking” in the gas drilling process?
13. Is a CAFO required to have an NPDES permit if it does not discharge?

## Comments

There were no public comments at the State College, PA meeting.